

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. MARKCUS KITCHENS, JR.,

Plaintiff,

v.

UNITED STATES MEDICAL LICENSING
EXAMINATION and NATIONAL BOARD
OF MEDICAL EXAMINERS,

Defendants.

Civil Action No. 2:22-CV-03301-JMY

**NBME’S UNOPPOSED MOTION FOR ONE-DAY EXTENSION OF ITS DEADLINE TO
FILE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Defendant National Board of Medical Examiners (“NBME”) respectfully moves for a one-day extension of the time to file its proposed findings of fact and conclusions of law, from June 15, 2023 to June 16, 2023. Plaintiff does not oppose this request.

In support of this motion, NBME states as follows:

1. The Court issued an Order on May 18, 2023 (Dkt. 71) (the “Order”), setting forth the following post-trial briefing schedule: defendant shall file proposed findings of fact and conclusions of law no later than June 15, 2023; plaintiff shall file responsive proposed findings of fact and conclusions of law no later than July 6, 2023; defendant shall file a reply no later than July 20, 2023; and plaintiff may file a surreply no later than Aug. 3, 2023.

2. The parties ordered 14-day trial transcripts on May 22, 2023.

3. Due to the court reporter’s schedule, transcripts were not provided on June 5, 2023. Instead, transcripts from all four days of trial were not provided until approximately 3 pm on June 7, 2023 (the transcript from day two of the trial was provided on the afternoon of June 6).

4. Given the delayed receipt of the complete trial transcript, NBME requests a one-day extension of time to file its proposed findings of fact and conclusions of law. NBME did not seek an extension earlier because it was not immediately clear whether additional time would be required.

5. Counsel for NBME communicated with plaintiff, Dr. Kitchens, to confer on this request. Undersigned counsel certifies that Dr. Kitchens does not oppose this request, provided that the other post-trial briefing deadlines do not change.

6. This motion is not being filed for the purpose of delay.

Wherefore, for the foregoing reasons, NBME requests that its motion be granted and that the Court extend the deadline for NBME to file its proposed findings of fact and conclusions of law to June 16, 2023. A proposed order is filed herewith.

Dated: June 12, 2023

Respectfully submitted,

/s/ Caroline M. Mew

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Attorneys for Defendant National Board of
Medical Examiners

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing document was served on June 12, 2023, by email to:

Dr. Marcus Kitchens
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Richmond, KY 40475
markwanz@gmail.com

Pro se plaintiff

/s/ Caroline M. Mew